

## **REMARKS**

Claims 2-9, 11-14, 17, and 20-22 remain pending in this application. Claims 2, 3, 8, 12, 14, and 20 are independent. Claims 2 and 22 have been amended merely as to matters of form, to place the claims in better form for appeal, responsive to the Examiner's allegations of indefiniteness. No claims have been canceled or added by this Amendment after Final Rejection.

No new matter is involved with any clarifying claim amendment mad as to matters of form, as support may be found throughout the originally-filed disclosure, including previously-considered claims.

### **I. Entry of the Amendment after Final Rejection is Proper**

Amendments to claims 2 and 22 have been made in a good faith effort to place the claims in better form for appeal, by removing and correcting the alleged indefiniteness therein, and thereby placing claims 2 and 7 (depending from claim 2) in allowable form.

Entry of this Amendment after Final Rejection is respectfully requested to clarify the issues for Appeal. This Amendment is being filed concurrently with a Notice of Appeal and Pre-Appeal Conference Request.

In the alternative, if this Amendment after Final Rejection is not entered by the Examiner, Appellants submit for purposes of Appeal that at least claim 2 is not indefinite.

### **II. Indefiniteness Rejection**

Withdrawal of the rejection of claims 2 and 22 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite, is requested. These claims have been amended in a manner that is believed to overcome the stated bases for rejection.

Claim 2 previously recited the conditional limitations of "*if* said vouchers are of the same type, using the processor to calculate the first way to update the account balance; and *if* said vouchers are of a different type of vouchers having the same type of a credit value, using the processor to calculate the second way to update the account balance."

Although Appellants contend that a person of ordinary skill in the art would not find the above recitation indefinite, in an effort to move prosecution of the present application forward on appeal, claim 2 now recites "*responsive to said vouchers being of the same type*, using the

processor to calculate the first way to update the account balance; and *otherwise, when said vouchers are of a different type* of vouchers having the same type of a credit value, using the processor to calculate the second way to update the account balance." Thus, by this amendment to claim 2, claims 2 and 7 are submitted as being allowable.

Further, the preamble of claim 22 has been amended to recite "The *network element* of claim 13, *comprising*...." This corrects an obvious error in which the claim preamble previously and erroneously recited "[t]he arrangement of claim 13...."

Entry of the clarifying amendments to claims 2 and 22 is respectfully requested.

### **III. Unpatentability Rejection under 35 U.S.C. § 103**

Arguments pertinent to the withdrawal of the rejection of claims 3-14, 17, and 20 under 35 U.S.C. §103(a), as allegedly being unpatentable over Fournies, et al. (US 5,854,975) in view of Segal, et al (US 6,167,251) and the unpatentability rejection of claims 21 and 22 under 35 U.S.C. §103(a), as allegedly being unpatentable over Fournies and Segal in further view of Joyce (US 6,320,947 B1) will be addressed in the accompanying Arguments Submitted with Pre-Appeal Conference Request.

However, Appellants note that the Examiner stated on page 4, ¶ 13 of the final office action that, with respect to claims 3-14, 17, and 20, these claims "remain rejected...for the reasons set forth in the previous Office Action."

Appellants point out that the "previous" Office Action on October 16, 2008 did not contain *any* unpatentability (or anticipation) rejections over any art of record. The *previous* Office Action merely had §101 non-statutory subject matter rejections and §112, ¶ 2 indefiniteness rejections which have since been overcome by amendment and argument.

Accordingly, Appellants submit that the statement of the final rejection is improper for lack of supporting details.

### **IV. Conclusion**

Applicant submits that entry of this Amendment after Final Rejection has placed pending claims 2-9, 11-14, 17, and 20-22 in the present application in better form for Appeal and, in particular, has placed claims 2 and 7 in allowable form.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the Undersigned Attorney is available at the telephone number indicated below.

For any fees that are due, including fees for extensions of time during the pendency of this application, please charge Deposit Account Number 03-3975 from which the Undersigned Attorney is authorized to draw. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: November 23, 2009

Respectfully submitted,

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Attachment: Petition for 1-Month Extension of Time